

MR3287-9
Serial Number: 10/773,240
Reply to Office Action dated 7 October 2005

AMENDMENTS TO THE DRAWINGS

The attached five (5) Drawing sheets include changes to each of Figs. 1-7 and replace the original Drawing Sheets that included Figs. 1-7 thereon. In each of Figs. 1-7, underlining from particular reference numerals has been removed.

Attachment: five (5) replacement sheets

MR3287-9
Serial Number: 10/773,240
Reply to Office Action dated 7 October 2005

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 7 October 2005. Responsive to the objections and rejections made in the Official Action, Claim 1 has been amended to clarify the language and the combination of elements which form the invention of the subject Patent Application and Claim 2 has been amended to correct the language thereof. Additionally, Claims 3 and 4 have been canceled by this Amendment and new Claim 5 has been added.

In the Official Action, the Examiner objected to the Drawings under 37 C.F.R. § 1.83(a), because the Drawings must show every feature of the invention specified in the Claims. The Examiner specifically said that the spherical balls of Claim 4 must be shown or the feature canceled from the Claims. Accordingly, Claim 4 has been canceled by this Amendment.

The Examiner also objected to the Drawings due to use of underlining with respect to some of the reference numerals and the absence of a brace in Fig. 6. Corrected formal Drawings of Figs. 1-7 are attached hereto and correct the reference numerals objected to by the Examiner and provide the required brace in Fig. 6.

In the Official Action, the Examiner objected to the Specification due to a large number of idiomatic and translational errors found therein. The Examiner indicated a number of the informalities and proposed corrections therefore. To

MR3287-9
Serial Number: 10/773,240
Reply to Office Action dated 7 October 2005

correct the informalities kindly noted by the Examiner, the Specification has been amended. In addition to those informalities kindly noted by the Examiner, several other language errors have also been corrected by this Amendment. No new matter has been added by these changes.

In the Official Action, the Examiner objected to Claim 1 due to an informality therein and rejected Claims 2 and 4 under 35 U.S.C. § 112, second paragraph. Claims 1 and 2 have been amended to correct the language errors therein, as suggested by the Examiner. Claim 4 has been canceled by this Amendment. Therefore, it is now believed that the Claims particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

In the Official Action, the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 103(a), as being unpatentable over Budinquest, U.S. Patent 2,789,292, in view of Wang, U.S. Patent Application Publication 2004/0075310, and Glenn, U.S. Patent 5,333,930.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a replaceable bedding structure for use in both Winter and Summer. The structure includes a body defined by a pillow formed of a foamed material, or alternately defined by a mattress and a cover encasing the pillow or overlaying the mattress. The cover has a bottom cover and an upper cover releasably coupled to

MR3287-9
Serial Number: 10/773,240
Reply to Office Action dated 7 October 2005

the bottom cover. The bottom cover has an opening and a coupling section located on the periphery of the opening. The upper cover has a base, a plurality of spaced blocks laid on the base and interconnected by connection threads extending therebetween. The upper cover has a connecting section located on an outer periphery of the base to engage with the coupling section so that the upper cover and bottom cover are coupled to encase the pillow or mattress. The connecting section of the upper cover and the coupling section of the bottom cover are defined by a zipper.

In contradistinction, the Budinquest reference is directed to a retaining structure for sheets, covers and the like. The reference discloses a frame 5 formed of fabric material which overlays a mattress and includes a plurality of buttons 11 for securement of an overlying cover 12 thereto. Nowhere does the reference disclose or suggest a structure wherein a pillow formed of a foamed material is encased by a cover formed by a bottom cover and an upper cover releasably coupled to the bottom cover, wherein the connecting section of the upper cover and the coupling section of the bottom cover are defined by a zipper, as now claimed. Further, nowhere does the reference disclose or suggest the upper cover having a plurality of spaced bamboo blocks being laid on the base and interconnected by connection threads extending therebetween, as claimed.

The Wang reference does not overcome the deficiencies of Budinquest, and is not properly combinable therewith. It is respectfully submitted that the Wang

MR3287-9
Serial Number: 10/773,240
Reply to Office Action dated 7 October 2005

reference is directed to a heat proof car seat arrangement that one skilled in the art would not look to the structure of car seats for methods of modifying pillow and mattress covers.

Arguendo, even if it were proper to combine the disclosure of Wang with that of Budinquest, such combination still fails to make obvious the invention of the subject Patent Application. The reference discloses a structure formed by a seat panel 10 and back panel 20 formed by an integral structure which respectively includes heat disbursing elements 111, 211 which are "capable of quickly vanishing the heat to provide a cooling surface", which clearly teaches away from the structure form of bamboo, page 3, paragraph 36. The reference discloses elements which quickly dissipate heat, and therefore are thermally conductive, such as metallic elements, but certainly not formed of wood.

The Glenn reference does not overcome the deficiencies of Budinquest combined with Wang, and is not properly combinable therewith. As in the case of Wang, the Glenn reference is directed to a surface for a seat of a bicycle and one skilled in the art of bedding would not look to such structure for methods of modifying covers for pillows and mattresses. Even if it were proper to combine the disclosure of Glenn with that of Wang and Budinquest, such still fails to make obvious the invention of the subject Patent Application. While Glenn discloses the use of spaced wooden elements in the form of beads which are strung together in a mesh-type configuration by string members 22, nowhere does the reference

MR3287-9
Serial Number: 10/773,240
Reply to Office Action dated 7 October 2005

disclose or suggest utilizing that arrangement as an upper cover for a pillow or mattress which is releasably coupled to a bottom cover by a zipper extending about the periphery of a base for the upper cover, as claimed.

Therefore, as none of Budinquest, Wang or Glenn disclose or suggest the concatenation of elements which form the invention of the subject Patent Application, as now claimed, they cannot make that invention obvious.

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



David I. Klein
Registration #33,253

Dated: 9 Jan. 2006

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586

MR3287-9
Serial Number: 10/773,240
Reply to Office Action dated 7 October 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #3673, facsimile number 571-273-8300 on the date shown below.

11/9/2006

Date

David I. Klein

David I. Klein